THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.5997 OF 2000

DATED: 11-09-2007

Between :

1. S. Adinarayana and 5 others. … Petitioners

And

1. The State of Andhra Pradesh, rep. by its Secretary,
   Revenue Department, Secretariat, Hyderabad.,
   And 3 others. … Respondents

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ORDER :

This writ petition is filed seeking a declaration that the alleged action of the respondents in trying to evict the petitioners from the land situated in Sy.No.72/1 of Korumamidi Village, Nidadavolu Mandal, West Godavari District as arbitrary and illegal.

It is claimed by the petitioners that being landless poor, they have occupied the land in question long back. It is stated that they have been cultivating the land by paying the cist regularly and that they have perfected the title on account of their longstanding possession and accordingly they made a representation to the Government requesting for grant of D-form pattas. In pursuance thereof, while the pattas were about to be distributed, W.P.No.1435/1994 was filed by some third parties and the same was disposed of by this Court by order dated 24-2-1997 directing the respondents to follow the instructions under G.O.Ms.No.157, Revenue (W) Department, dated 12-2-1987. Since the petitioners were not parties to the said writ petition, they were not aware of the said order and aggrieved by the action of the respondents in not granting pattas, the petitioners filed W.P.Nos.11287, 17224 and 18648 of 1997. The said writ petitions were disposed of by this Court by order dated 25-9-1997 with a direction to consider the proposal pending for grant of D-form patta in favour of the petitioners and pass appropriate orders within 2 months. It was also made clear in the said order that in case the petitioners were found ineligible for D-form pattas, it was open to

the authorities to take appropriate action in pursuance of the Section 7 of the A.P. Land Encroachment Act, 1905.

It is alleged that though no such proceedings were taken, the respondents have been attempting to evict the petitioners forcibly. Hence, this writ petition seeking a declaration that the action of the respondents is arbitrary and illegal.

In the counter-affidavit filed on behalf of the respondents, it is stated that the petitioners were encroachers of the tankbed lands of Ava Tank of Tadimalla, Korumamidi and Vissampalem Villages and therefore along with other encroachers they were evicted following the procedure prescribed under the A.P. Land Encroachment Act, 1905. It is also stated that the petitioners were not parties to the earlier writ petitions i.e., W.P.Nos.11287, 17224 and 18648 of 1997 as claimed by them. At any rate, since the petitioners are not eligible for grant of D-form pattas and the writ petition itself is misconceived.

Though the said counter-affidavit was filed in the month of March, 2001, no affidavit-in-Reply is filed by the petitioners contradicting the stand taken by the respondents.

Having regard to the facts and circumstances of the case and since it is clear from the counter-affidavit that the petitioners are not eligible for grant of pattas and they were dispossessed from the land in question long back, nothing survives for consideration on merits.

Accordingly, the Writ Petition is dismissed. No costs.

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G. ROHINI, J.

Dt. 11-09-2007

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